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Court-appointed counsel, 93-CR-0141, Hilo,  
Hawaii, Third Circuit Court, Judge S. Kimura.

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2007 APR 25 A 9:47

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

Hawaii-Alabama intervenor inmates,  
2004, Alabama Federal Contracts, TCCF;  
Francis Grandinetti, 06/04/2004 transfer,  
CCA/TCCF #1403 Federal Contractor MS.  
Full name and prison number  
of plaintiff(s)

v.

Warden Ernest Taylor, CCA/TCCF;  
Warden James C. Cooke, CCA/TCCF;  
Warden ~~Francis~~ J.F. Luna, CCA/TCCF;  
Warden David Smelser, CCA/FCC;  
All other Hawaii-Alabama Wardens.

Name of person(s) who violated  
your constitutional rights.  
(List the names of all the  
persons.)

CIVIL ACTION NO. 2:07CV346-mht  
(To be supplied by Clerk of  
U.S. District Court)

Bivens Federal Complaint:  
I. C. C. Claims.

Class-Action Plaintiffs, Fed. R. C.V.P. 23,  
"Imminent Physical Injury" claims, §1915(g).

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ( ☒ ) NO ( )
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ( ☒ ) NO ( )
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) Francis Anthony Grandinetti, III aka  
other identification numbers, MN, TN, AZ. (237172)  
Defendant(s) Warden Joseph Francis Luna (J.F. Luna),  
et al., CCA/FCC Contractor Facility.

2. Court (if federal court, name the district; if state court, name the county) 01-CV-1090 PHX MHM (SLV),  
U.S. District Court, District of Arizona (Phoenix).  
401 W. Washington St., SPC-01, Suite 130,  
Phoenix, AZ 85003-2118. D. Taylor, Executive  
Clerk, 602-322-7217.

c. Continued:

1. Grandinetti vs. Corrections Corp. of America, et al.
2. U.S. District Court, N.D. Texas (Lubbock).
3. Docket number 5:06-CV-00057 SRC
4. Name of judge to whom case was assigned Judge Samuel R. Cummings, U.S. District Judge, N.D. Texas, Lubbock.
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) Dismissed by District Court. Pending appeals. (IFP appeals.)
6. Approximate date of filing lawsuit March 23, 2006.
7. Approximate date of disposition (pending.)

II. PLACE OF PRESENT CONFINEMENT CCA/TCCF #1403 federal contractor.  
295 U.S. Hwy. 49 South, Tutwiler MS 38963-5072, Tel. (662) 345-6567.

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Arizona. CCA/FCC and CCA/CADC, in Florence, AZ, both federal detention centers. Address: 1100 Bowling Road, P.O. Box 2667, Florence, AZ 85232, Tel. (602) 868-9095.

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Warden Ernest Taylor, TCCF (2003).</u>	<u>CCA/TCCF #1403.</u> <u>295 U.S. Hwy. 49 South</u> <u>Tutwiler MS 38963</u>
2. <u>Warden James C. Cooke, TCCF (2004).</u>	<u>(Same)</u>
3. <u>Warden J.F. Luna, FCC (2004).</u>	<u>FCC-Arizona. (See II, above.)</u>
4. <u>Warden David Smelsen, FCC (2004).</u>	<u>FCC-Arizona</u>
5. <u>Warden Clemmons, TCCF (2004).</u>	<u>CCA/TCCF #1403.</u>
6. <u>All other CCA Wardens, CCA/TCCF, for 2002-2007.</u>	<u>CCA/TCCF #1403.</u>

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED During 2004, several dates involved, Plaintiff was involved in the April, 2004 and June, 2004 transfers. (The April, 2004 transfer was postponed, due to Plaintiff's refusals to transfer.)

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Due Process Clause, 14th Amendment, U.S. Constitution.  
Foreign venue and other-domain laws (e.g., 5th U.S. Circuit) claims.

**STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND.** (State as best you can the time, place and manner and person involved.)

Each state, and its officers, inmates, agents, and courts, are supposed to go by the federal laws of their respective U.S. circuits. Alabama to go by 11th Circuit laws, Mississippi and Texas to go by 5th Circuit laws, and Arizona and Hawaii to go by 9th Circuit laws. Alabama and Hawaii officials want to waive this rule, and instead comply with foreign U.S. circuits' venue laws.

**GROUND TWO:** Self-Incrimination and Criminal Due-Process Clause, 5th Amendment, U.S. Constitution. Arrest, interrogation, immunities.

**SUPPORTING FACTS:** Alabama, Arizona, Hawaii, Mississippi, etc., are waiving their respective local venues, and doing: (a) "federal arrests," (b) re-arrests, and (c) alibi and immunity interrogations, in another federal venue. For example, Alabama went to the U.S. 5th Circuit to do this. And CCA went to the U.S. 11th Circuit to do the same. And Hawaii went to the U.S. 6th Circuit to perform this immunity-incrimination activity. This conflicts with existing federal law. Bonner vs. City of Prichard, 662 F.2d 1206 (11th Cir. 1981), en banc.

**GROUND THREE:** Cruel and Unusual Punishments Clause; Infliction clause; 8th Amendment, U.S. Constitution. De-citizenship, exiles.

**SUPPORTING FACTS:** De-citizenship of federal domicile or U.S. Circuit, is a legal prosecution and punishment scheme, whereby prisoners or U.S. detainees are ordered to cease complying with their legal circuits' laws; and on for punishment therefor, recognize their loss of citizenship and venue rights. The punishments are usually arrest, military-arrest, prosecution in another courtroom, and corporal punishments (e.g., macing, gassing, handcuffing, hitching, and stockade status). Some arrestees are severely corporally punished and exiled permanently. Court-martial, sanctions, monetary costs, and military-arrest strategies are exacted.

Ground Four: Thirteenth Amendment, Slavery Provision. Denial of federal law rights and constitutional rights, to private franchise, "private prisoner" law. White-slavery violations

Supporting Facts: "Private Prisoner" law is what U.S. President Bush talked about during 1996-1998, in Texas, as governor. This is a legal process where a citizen is disenfranchised or decitizenized, to only adhere to "private law" or "contract imprisonment policies" (criminally indentured laws), not public laws or U.S. constitutional policies for free citizens. For some plaintiffs, they may be required to follow public laws.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.  
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

- a. Venue as to District or Division, §1404(a), in the federal district of Alabama, to be reserved at re-set by this Court, based on the original CCA-Alabama contracts during 2002-2004. The Middle District of Alabama may not be the best district or governing venue. (NDAL MDAL SDAL).

28 U.S.C. §1746.

F. Grandinetti, for Plaintiff Class, A-018508

Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on April 15, 2007, Sunday  
(Date)

x Hawaii-Alabama Intervenor Inmates, 2004.

Signature of plaintiff(s)

x F. Grandinetti, 06/04/2004 transfer.

- b. Hawaii's intervenorship into the Alabama pullout and CCA/Alabama ICC contracts, to be judicially noticed in Alabama; and Hawaii-inmates class to be joindered with Alabama inmates' claims of "circuit exile."
- c. The federal law should be that Alabama inmates remain in the 11th Circuit, Colorado inmates remain in the 10th Circuit, and Arizona and Hawaii inmates remain in the 9th Circuit. (Comity laws.)
- d. CCA, a federal contractor, legally entered the federal district of Alabama around 2002-2003; ADOC. CCA was doing legal business in Alabama USDC, by "circuit mixing" federal ICC inmates/detainees, to challenge and enforce the laws of the U.S. 11th Circuit. CCA is still in Alabama USDC until Colorado and Hawaii leave CCA/TCOF #1403. (CCA/ADOC is excluded herein.)

MAILED FROM  
TALLAHATCHIE COUNTY CORRECTIONAL FACILITY  
NOT RESPONSIBLE FOR CONTENTS

Legal Mail  
(ICC/Bivens Case)

Montgomery AL 36101-0711  
P.O. Box 711

U.S. District Court  
Middle District of Alabama  
FROM ZIP CODE 38963  
APR 23 2007

Clerk



Grandinetti, Francis A. II  
A-0185087 PSD-HI SID  
CCA/ITCCF #1403 Contractor  
295 U.S. Hwy. 49 South  
Tutwiler MS 38963-5072

Mailed: FRAP25(c)  
April 15, 2007, Sunday.  
28 USC 81746.

Cover Slip

CCA/TCCF #1403

## TALLAHATCHIE COUNTY CORRECTIONAL FACILITY

## INMATE REQUEST FORM

Clerk, U.S. District Court, M.D. Alabama.

TO: (CHECK ONE)

- ☐ WARDEN  
☐ ASSISTANT WARDEN  
☐ WAREHOUSE

- ☐ CHIEF OF SECURITY  
☐ MEDICAL SUPERVISOR  
☐ PROGRAMS DIRECTOR

- ☐ PRINCIPAL  
☐ UNIT MANAGER  
☐ CASE MANAGER

FROM: Grandinetti, F. A-0185087 PSD H-18 #205-B Seg. 04/15/07.

INMATE NAME PRISON NUMBER HOUSING DATE  
 REQUEST: Hawaii and Alabama went to Mississippi, and this is  
illegal. Hawaii should never have followed Alabama and Colorado, by  
leaving their respective circuits.  
Venue is at Alabama, and 11th U.S. Circuit law is governing.

A complaint and injunction should be entered in the Hawaii-Alabama switch.

INMATE SIGNATURE (REQUIRED): X Francis Grandinetti  
 STAFF RESPONSE: \_\_\_\_\_

STAFF SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

WHITE COPY - INMATE RECORD  
 CANARY COPY - INMATE

MS-004  
 601403-2239